

### **REMARKS**

Applicant respectfully requests reconsideration. Claims 1-48 were previously pending in this application with claims 17-43 and 45-47 being withdrawn. Applicant has cancelled claims 2, 6-7, 17-43 and 45-48 without prejudice. Claims 49-53 have been added. No new matter is being added. Accordingly, claims 1-5, 8-16, 44, and 49-53 are pending for examination with claims 1 and 44 being independent.

#### **Claim Rejections Under 35 U.S.C. §112**

Claim 2 was rejected under 35 U.S.C. §112 as being indefinite. Claim 2 has been cancelled without acceding to the correctness of this rejection. Accordingly, Applicant respectfully requests withdrawal of the claim rejection on this ground.

#### **Claim Rejections over Schacht**

Claims 1-4, 8-11, and 13-16 were rejected under 35 U.S.C. §102(b) as being anticipated by International Publication No. WO 98/19710 (Schacht).

Claim 1 has been amended to recite that the nanoparticle forms a micelle; and, that a drug is associated with an interior of the micelle and a nucleic acid is associated with an exterior of the micelle. These limitations were formally in dependent claims 6 and 7 which do not stand rejected on this ground since these limitations are not taught or suggested by Schacht. Therefore, claim 1 is patentable in view of Schacht. The remaining pending claims that stand rejected on this ground depend from claim 1 and are also patentable for at least this reason. Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

#### **Claim Rejections over Wang**

Claims 1-4, 6, 8, 11 and 12 were rejected under 35 U.S.C. §102(b) as being anticipated by “Novel Branched Poly(Ethylenimin)-Cholesterol Water-Soluble Lipopolymers for Gene Delivery” (Wang).

Claim 1 has been amended to recite that the nanoparticle forms a micelle; and, that a drug is associated with an interior of the micelle and a nucleic acid is associated with an exterior of the micelle. These limitations were formally in dependent claims 6 and 7 which do not stand rejected

on this ground since these limitations are not taught or suggested by Wang. Therefore, claim 1 is patentable in view of Wang. The remaining pending claims that stand rejected on this ground depend from claim 1 and are also patentable for at least this reason. Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

Claim Rejections over Lollo

Claims 1-16, 44 and 48 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0134420 (Lollo).

Lollo discloses methods and compositions for gene delivery and, in particular, polynucleotides (See Abstract). To accomplish such delivery, Lollo describes a polyplex including a nucleic acid (DNA) in a center region and functional moieties at a surface region (See FIG. 1, paragraph 32). In contrast, claims 1 and 44 have been amended to recite that a drug is associated with the interior of the micelle and nucleic acid associated with an exterior of the micelle. Lollo fails to teach or make obvious such an arrangement. In particular, Lollo appears to rely on the nucleic acid being in the interior of the polyplex to facilitate its delivery, rather than at an exterior as claimed.

Because each claim limitation is not taught or made obvious, claims 1 and 48 are patentable over Lollo. The remaining pending claims that stand rejected on this ground are also patentable for at least this reason. Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

Dated: October 24, 2007

Respectfully submitted,

By 

Robert H. Walat

Registration No.: 46,324

WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

(617) 646-8000